

by transmitting the secure parameter to said central controller; said memory in said central controller containing a program, adapted to be executed by said CPU, for executing e-financial transactions for the secure parameter, wherein the secure parameter is a password or code; wherein said central controller receives the secure parameter from said terminal and executes the e-financial transaction for the account based upon the secure parameter, without requiring access to personal financial, banking, or credit card information.

*Cont'd*

#### REMARKS

Claims 1,2,3,4,5,6,7,8,9,10,11, and 12 are under consideration. Claims 1 has been amended. Claims 2,3,4,5,6,7,8,9,10,11, and 12 are each dependant upon the amended claim 1. The amendment of claim 1 requires reconsideration of claims 2,3,4,5,6,7,8,9,10,11, and 12 individually.

The office action rejected claims 1,2,3,4,5,6,7,8,9,10,11, and 12 as being anticipated by Kolling et al. The action further cites specific elements from Kolling (these are not reproduced here, but referenced is made to the office action). In response applicant respectfully disagrees with these objections as a matter of fact and law. For a rejection to be upheld under section 102b of 35 U.S.C., "...every element of the claimed invention must be identically shown in a single reference'...These elements must be arranged as in the claim under review" (In re Bond, 910 F.2<sup>nd</sup> 831, 15 USPQ 2<sup>nd</sup> 1566) . This is clearly not the case in this instance. One of the substantive elements of the invention is not present in Kolling. The separation of personal financial records from a transaction creates an element that is not present in Kolling. Therefor, the

invention is not anticipated by Kolling. The system of commerce described in Kolling does not provide protection of the system users personal financial information.

Participating consumers pay bills to participating billers using a payment network where billers are universally identified and for which all participants agree to a set of protocols. The protocols include data exchange and messaging protocols as well as operating regulations which bind and direct the activities of the participants (col. 11 line 7 to line 14).

Applicant agrees with examiner that an ATM uses a password in the same manner as the invention. However, applicant believes that in allowing transactions to occur without any disclosure of the system users personal financial information, disclosure of personal financial information being intrinsic to the ATM procedure, the applicant has created a novel invention. Applicant also believes that the electronic vault used by the invention and an ATM is inherently different. An ATM is connected to an individual's personal account, be they, savings, checking, money market, etc. Conversely, the invention is not tied to any of an individual's personal financial account.

Applicant concurs that the invention does share certain features with the ATM. However, the applicant asserts that the additional feature of separating a customer's personal financial information from the transaction makes this invention novel.